



KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP/WYETH
STATE STREET FINANCIAL CENTER
ONE LINCOLN STREET
BOSTON MA 02111-2950

COPY MAILED

AUG 25 2006

OFFICE OF PETITIONS

In re Application of Corcoran, et al.	:	
Application No. 10/628,432	:	Decision on Application
Filing Date: July 29, 2003	:	For Patent Term Adjustment
Attorney Docket No. WYE-007	:	
For: MODIFIED ADAMTS4	:	
MOLECULES AND METHOD OF USE	:	
THEREOF	:	

This is a decision in response to "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 35 U.S.C. 154(b) AND CFR 1.705(b)," filed May 24, 2006. The paper requests correction of the patent term adjustment from two hundred fifty-three (253) days to three hundred fifty-nine (359) days.

The application for patent term adjustment is **granted**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance as three hundred fifty-nine (359) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On February 24, 2006, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. Applicants were advised of a patent term adjustment to date of 253 days. In response, applicants timely¹ filed the instant request for reconsideration of the patent term adjustment. Applicants submit the relevant dates as specified in 1.703(a) through (e) for which an adjustment is sought and requests that the patent term adjustment be corrected to 359 days. Applicants state that the patent issuing from the application is not subject to a terminal disclaimer. Applicants assert that no circumstances exist within the prosecution of this application that may be considered as resulting in a failure to engage in reasonable efforts to conclude examination of the present application.

¹ PALM Records indicate that the Issue Fee payment was received on May 24, 2006.

The application history has been reviewed and it has been determined that the initial patent term adjustment of 253 days is incorrect.

Applicants dispute the reduction of 106 days of PTA for applicants delay in filing a supplemental response on January 31, 2006. Applicants state that the response was filed at the request of the examiner and, therefore, no reduction is warranted.


Applicants' argument is well-taken. A Restriction Requirement was mailed on September 15, 2005. The record supports a conclusion that after applicants timely filed an election on October 17, 2005, Examiner Moore requested that applicants file a supplemental reply. (Notice of Allowability and Interview Summary, both mailed February 24, 2006.) Therefore, the January 31, 2006 supplemental reply was expressly requested by the examiner, within the meaning of § 1.704(c)(8). Accordingly, no reduction is warranted.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is three hundred fifty-nine (359) days.

Submission of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fee is required.

The application file is being forwarded to the Office of Patent Publication for issuance of the patent. The patent term adjustment shown on the patent (and in the Issue Notification mailed approximately three weeks prior to issuance) will include any additional patent term accrued pursuant to sections 1.702(a)(4) and 1.703(b).

Telephone inquiries regarding this communication should be directed to Senior Petitions Attorney Shirene Willis Brantley at (571) 272-3230.


Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of Revised Pair Screen

Day : Friday
Date: 7/21/2006

PALM INTRANET

Time: 14:05:23

PTA Calculations for Application: 10/628432

Application Filing Date:	07/29/2003	PTO Delay (PTO):	359
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	106
Post-Issue Petitions:	0	Total PTA (days):	359
PTO Delay Adjustment:	106		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
57	07/21/2006	ADJUSTMENT OF PTA CALCULATION BY PTO	106		
49	02/24/2006	MAIL NOTICE OF ALLOWANCE	7		34
48	02/06/2006	ISSUE REVISION COMPLETED			
47	02/06/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
46	02/06/2006	CASE DOCKETED TO EXAMINER IN GAU			
45	02/06/2006	NOTICE OF ALLOWABILITY			
44	02/05/2006	DATE FORWARDED TO EXAMINER			
43	01/31/2006	SUPPLEMENTAL RESPONSE		106	34
42	12/29/2005	CORRESPONDENCE ADDRESS CHANGE			
41	12/29/2005	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
40	08/29/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
39	07/05/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
38	03/16/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
37	05/18/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
36	04/15/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
35	10/25/2005	DATE FORWARDED TO EXAMINER			
34	10/17/2005	RESPONSE TO ELECTION / RESTRICTION FILED			
33	09/16/2005	MAIL RESTRICTION REQUIREMENT	352		-1
32	09/15/2005	REQUIREMENT FOR RESTRICTION / ELECTION			
31	08/29/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

30	07/05/2005	REFERENCE CAPTURE ON IDS			
29	07/05/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
28	06/28/2005	CASE DOCKETED TO EXAMINER IN GAU			
27	03/15/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
26	03/15/2005	CASE DOCKETED TO EXAMINER IN GAU			
25	03/16/2004	REFERENCE CAPTURE ON IDS			
24	03/16/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
23	05/18/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
22	04/15/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	04/13/2004	APPLICATION RETURN FROM OIPE			
20	04/13/2004	APPLICATION RETURN TO OIPE			
19	04/13/2004	APPLICATION RETURN FROM OIPE			
18	04/13/2004	APPLICATION IS NOW COMPLETE			
17	04/13/2004	APPLICATION RETURN TO OIPE			
16	04/09/2004	APPLICATION DISPATCHED FROM OIPE			
15	04/12/2004	APPLICATION IS NOW COMPLETE			
14	03/16/2004	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
13	03/16/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
12	04/09/2004	CORRESPONDENCE ADDRESS CHANGE			
11	04/05/2004	CASE CLASSIFIED BY L&R			
10	12/16/2003	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
6	10/14/2003	CASE CLASSIFIED BY L&R			
5	10/14/2003	CLEARED BY OIPE CSR			
4	09/21/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
3	08/15/2003	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
2	07/29/2003	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
1	07/29/2003	INITIAL EXAM TEAM NN			

Search Another: Application# |

Search